FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731
787-766-5568

January 20, 2015

Via Certified Mail:

CA Solutions, Inc.
DBA Boomnet
Attn: Cristhian Bonilla, IM&T Manager
POB 810
Fajardo, PR 00738

NOTICE OF UNLICENED OPERATION

Case Number: EB-FIELDSCR-15-00018010
Document Number: W2015326832680001

In response to information provided by the Federal Aviation Administration (FAA) that the Terminal Doppler Weather Radar (TDWR) that serves the San Juan International Airport had been receiving interference on or adjacent to 5.61 GHz, the FCC's San Juan Office of the Enforcement Bureau (San Juan Office) conducted an investigation in the vicinity of the Mamey communications site in the municipality of Guaynabo, Puerto Rico. On December 8, 2014, an agent from this Office confirmed by direction finding techniques and signal analysis identification that radio emissions centered on frequency 5.625 GHz were emanating from the Boomnet tower located at the GPS coordinates of: 18 19.377 N 066 6.733 W in the Mamey Ward, the location of one of your Ubiquity devices, model NanoBridge M5 with FCC ID SWX-M5D. The device identified its transmissions with a MAC address of 24:A4:3C:3E:8C:FB. On January 13, 2014, an agent from the San Juan Office conducted an on-site inspection of the Boomnet tower. You admitted owning the Ubiquity model NanoBridge M5 with a MAC address of 24:A4:3C:3E:8C:FB and that you had operated the device on 5.625 GHz. You stated that you retuned the device to 5.975 GHz before the inspection.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules. Non-licensed operation pursuant to Part 15 of the FCC's rules, however, is conditioned upon compliance with all applicable regulations in the subpart, 47 C.F.R. § 15.1(b). All intentional radiators operating pursuant to Part 15 of the FCC's rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b).

The Ubiquity model NanoBridge M5 device is not authorized for use on frequency 5.625 GHz nor 5.975 GHz.[1] Accordingly, your operation of the Ubiquity model NanoBridge M5 device on 5.625 GHz and 5.975 GHz does not comply with the requirements of Part 15 of the FCC's rules and should therefore be

[1] According to its equipment authorization, FCC ID SWX-M5D, the Ubiquity Model NanoBridge M5 device is authorized to operate in the 5745-5825 MHz band.

licensed by the FCC. The FCC has no record of a license being issued to CA Solutions, Inc. to operate a transmitter on 5.625 GHz or 5.975 GHz at GPS coordinates: 18 19.377 N 066 6.733 W in the Mamey Ward of Guaynabo. Thus, your operation is in violation of 47 U.S.C. § 301.

Non-licensed operation of a U-NII device is also subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease. *See* 47 C.F.R. §§ 15.5(c), 15.405. Harmful interference is defined as "[a]ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service." 47 C.F.R. § 15.3(m). You were operating a U-NII device on a frequency within 30 MHz of the San Juan TDWR's center frequency of 5.610 GHz. You were also operating the device within 35 km and within line of sight of the San Juan TDWR.[2] Therefore, it is strongly suspected that your operation of the Ubiquity model NanoBridge M5 on 5.625 GHz caused harmful interference. You should not resume operation of this device, prior to resolving any interference to the TDWR.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization, including non-certified equipment or modified equipment which voids the certification, and/or operation of otherwise authorized equipment that continues to cause harmful interference after your receipt of this warning, constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION ON FREQUENCY 5.625 GHZ MUST NOT RESUME. NONLICENSED OPERATION OF THIS DEVICE MAY NOT RESUME UNLESS YOU ARE IN FULL COMPLIANCE WITH PART 15 OF THE FCC'S RULES AND HAVE RESOLVED ANY INTERFERENCE TO THE TDWR.

You have ten (**10**) days from the date of this notice to respond. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Reuben Jusino
Resident Agent
San Juan Office

[2] U-NII operators located within 35 km or line of sight of a TDWR installation have been urged to implement a 30 MHz guardband around the TDWR center operating frequency, to prevent interference to the TDWR. *See* Memorandum from Julius Knapp, Chief, Office of Engineering and Technology, FCC, and P. Michele Ellison, Chief, Enforcement Bureau, FCC, to Manufacturers and Operators of Unlicensed 5 GHz Outdoor Network Equipment Re: Elimination of Interference to Terminal Doppler Weather Radar (TDWR) (dated July 27, 2010), *available at* http://transition.fcc.gov/eb/uniitdwr.pdf (last visited April 27, 2013).

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003
Enforcement Advisory